

16623 U.S. PTO  
09/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

146.1341-DIV.

Anticipated Classification of this Application:

Class: 514 Subclass: 022000

Prior Application

Examiner : David Lukton

Art Unit: 1653

22386 U.S. PTO  
10/666072  
09/19/03

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a

☐ Continuation

application under 37 CFR 1.60

☒ Divisional

of pending prior Application Serial No. 09/581,451

Filed on: June 9, 2000 Of: Olivier COURTIN et al

For: ECHINOCANDIN DERIVATIVES, THEIR METHOD OF PREPARATION

AND THEIR APPLICATION AS ANTI-FUNGAL AGENTS

1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit of declaration verifying it as a true copy. (See 8 and 8a for drawing requirements.)
2. ☐ Prepare a copy of the prior application.
3. ☒ The filing fee is calculated below:

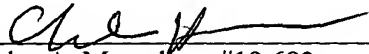
CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS  
CANCELLED BY AMENDMENT BELOW

|                           | <u>Number Filed</u>     | <u>Number Filed</u><br><u>Excess of 20</u> | <u>Rate</u> | <u>Basic Fee</u>               |
|---------------------------|-------------------------|--|-------------|--------------------------------|
| Total Claims              | <u>6</u>                | <u>0</u>                                   | x \$18.00   | <u>\$750.00</u><br><u>0</u>    |
| Independent Claims        | <u>5</u>                | <u>2</u>                                   | x \$84.00   | <u>\$168.00</u>                |
| Multiple dependent claims | [ ] Yes \$280.00 [X] No |  |             | <u>\$ 0</u><br><u>\$918.00</u> |

4. [X] The Asst. Commissioner is hereby authorized to charge any fees which may be required, or to credit any overpayment to Account No. 02-2275. A duplicate copy of this sheet is enclosed.

[X] I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EL 992576082 in an envelope addressed to the Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 19, 2003.

Dated: September 19, 2003

  
Charles A. Muserlian, #19,683

5. [X] PTO Form 2038 in the amount \$ 918.00 is enclosed.
6. [X] Cancel in this application original claims 2 to 27 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
7. [ ] Amend the specification by inserting before the first line in the sentence:  
This is a [ ] Continuation, [ ] Division of Serial No \_\_\_\_\_  
this application.
8. [ ] Transfer the drawings from the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used before payment of base issue fee.)
- 8a. [ ] New formal drawings are enclosed.
- 8b. [X] Priority of application Serial No. 97/15628 & 98/13361 Filed: December 10, 1997 & October 26, 1998, respectively in France is claimed under 35 USC 119.
- 8c. [X] The certified copy has been filed in WIPO.
9. [X] The prior application is assigned of record to Aventis Pharma S.A.

10. [X] The power of attorney in the prior application is to any one of the following: Jordan B. Bierman, Reg. No. 18,629; Charles A. Muserlian, Reg. No. 19,683; Donald C. Lucas, Reg. No. 31,275; all of 600 Third Avenue, New York, NY 10016; Registration No. 18,818; its attorneys to file this Declaration with full power of substitution and revocation and to transact all business in the Patent Office connected therewith.
- a. [X] The power appears in the original papers of the prior application.
- b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [X] Recognize as associate attorney and address all future communications to:
- Charles A. Muserlian, Reg. No. 19,683  
c/o Muserlian, Lucas and Mercanti  
600 Third Avenue  
New York, NY 10016
11. [X] A Preliminary Amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
12. [X] I hereby verify that the attached papers are a true copy of prior application Serial No. 09/518,451 as originally filed on June 9, 2000.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: September 19, 2003

  
Charles A. Muserlian  
Registration No. 19,683


Muserlian, Lucas and Mercanti  
600 Third Avenue  
New York, NY 10016

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Date of Deposit September 19, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Charles A. Muserlian, Reg. No. 19,683